IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1363 OF 2006
IN
CRIMINAL APPEAL NO.87/90,88/90 & 37/90

Ramesh Parshuram Patil & Ors. ...Applicants
Versus
The State of Maharashtra ...Respondent

Shri Harshad Bhadbhade i/by A.H.H.Ponda & I.A.I.Patel for the Applicants.
Shri U.V.Nikam, A.P.P for the Respondent.

CORAM : A. S. OKA, J.
DATE : DECEMBER 22, 2006.

P.C.:

1. The Appeal against order of conviction has been decided on 05th October, 2006. The present Application is filed for restoration of the Appeals by recalling the common order passed in the Appeals. The second prayer is for enlarging the Applicants on bail and the third prayer is for staying the execution of the order passed by this court.

2. It is submitted that the Applicants were on bail throughout the pendency of the Appeal and due to unfortunate incident of the demise of the Advocate appointed by them in the Appeal, they were not aware of the confirmation of the order of conviction and sentence by this court in Appeal. It is submitted that to enable the Applicants to challenge the order passed by this Court, the Applicants may be ordered to be

enlarged on bail.

3. I have considered the submissions. It is not in dispute that this court issued court service notice to the Applicants as the Advocate appointed by them who had filed vakalatnama in the Appeals had expired. It is also an admitted position that court service notice was served to the Applicants long before the Appeals were placed on final hearing board. However, they did not engage any Advocate. After the Appeals appeared on the board of this court, it was noticed that inspite of service of notice, no one was representing the Applicants. Therefore, this court appointed an Advocate for espousing cause of the Applicants. The said Advocate made submissions for more than three working days and after giving full opportunity of being heard to the said Advocate, this court has delivered the judgment.

4. Looking to the gravity of allegations against the Applicant and the findings recorded by this court, no case is made out for grant of any relief. After the judgment was pronounced on 05th October, 2006, the Applicants did not surrender and they have surrendered recently. None of the prayers in the Application can be granted. Application is rejected.

JUDGE